



GOV. MSG. NO. 1209

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 12, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 12, 2015, the following bill was signed into law:

HB820 HD2 SD1 CD1

RELATING TO PUBLIC EARLY CHILDHOOD  
EDUCATION  
**ACT 109 (15)**

Sincerely,

A handwritten signature in black ink, reading "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

RECEIVED  
SENATE  
OFFICE OF THE PRESIDENT

'15 JUN 12 P4:09

RECEIVED  
THE SENATE  
CLERK'S OFFICE  
STATE OF HAWAII

'15 JUN 12 P5:10

JUN 12 2015

ORIGINAL

ACT 109  
H.B. NO.

820  
H.D. 2  
S.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO PUBLIC EARLY CHILDHOOD EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Significant research affirms that the experiences children have, and the environments in which they develop, during their earliest years can have a lasting impact on their later success in school and life. When provided with the opportunity for high-quality early childhood education, children are more likely to succeed in kindergarten and beyond and grow into capable adults who contribute positively to the larger community. They are more likely to reach higher levels of educational attainment, earn higher salaries, and can even be healthier.

The legislature finds that high-quality early childhood education programs also generate significant returns on investment for society as a whole; to such an extent that some of the country's most respected economists are now touting early childhood education as an economic development strategy. Investments in early childhood education yield a return far exceeding the return on most public projects considered to spur economic development. Several of the most rigorous long-term



1 studies done in this area determined that returns are between  
2 \$4.00 and \$9.00 for every dollar invested. These returns are  
3 realized in the form of reduced welfare, crime, and special  
4 education costs; reduced homelessness and substance abuse; and  
5 increased tax revenues from program participants later in life.  
6 This was validated for Hawaii in a 2008 study commissioned by  
7 the Good Beginnings Alliance, which found a return of more than  
8 \$4.00 for every dollar invested in high-quality early childhood  
9 education for this State.

10 Of particular concern to the legislature are Hawaii's low-  
11 income children. Currently, one in six children lives in  
12 poverty in Hawaii, making children the poorest members of our  
13 society according to 2013 data reported by the University of  
14 Hawaii Center on the Family. This number is alarming because an  
15 impoverished childhood leads to a greater risk of teen  
16 pregnancy, failure to graduate from high school, poor health,  
17 and lack of secure employment in later years. If left without  
18 the opportunity for early childhood education, this population  
19 has a significantly reduced chance for success later in life.

20 As stated in the 2010 national report "Learning to Read" by  
21 the Annie E. Casey Foundation, if "we don't get dramatically



1 more children on track as proficient readers, the United States  
2 will lose a growing and essential proportion of its human  
3 capital to poverty, and the price will be paid not only by  
4 individual children and families, but by the entire country".  
5 Reading proficiency is the leading indicator of long-term  
6 academic and life success. High school dropout rates are  
7 closely correlated with the inability to read proficiently by  
8 the end of grade three, and the shortfall in reading proficiency  
9 is especially pronounced among low-income children.

10 Reading proficiency is directly undermined by lack of  
11 school readiness. If a child does not arrive at kindergarten  
12 ready to learn, the child is likely to struggle to keep up and  
13 then may eventually lose the interest and motivation necessary  
14 to learn. The resulting achievement gap will only widen with  
15 each subsequent year of schooling.

16 All children need high-quality, developmentally-appropriate  
17 early childhood education programs to enable them to arrive at  
18 school ready to learn. The legislature finds, however, that too  
19 many of Hawaii's children enter kindergarten with inadequate  
20 preparation. According to the Hawaii State School Readiness  
21 Assessment for the 2012-2013 school year, forty-three per cent



1 of children in public school kindergartens had not attended a  
2 prekindergarten program. Moreover, according to data reported  
3 by the University of Hawaii Center on the Family in 2013,  
4 seventy-five per cent of fourth graders are not reading  
5 proficiently.

6 High-quality early childhood education can help close the  
7 achievement gap between children of different socioeconomic  
8 backgrounds. In 2013, the Academic Pediatric Association's Task  
9 Force on Childhood Poverty identified the provision of high-  
10 quality early childhood programs and high-quality affordable  
11 child care to poor families as one of the key strategies to  
12 reducing poverty. Studies have proven that high-quality early  
13 childhood education programs are especially effective for  
14 children from low-income families, as well as children who are  
15 otherwise disadvantaged. These programs are one of the  
16 strongest factors in school readiness for children from low-  
17 income families because of the potential to alter their lifetime  
18 trajectories for success.

19 The legislature finds, however, that every child,  
20 regardless of the child's socioeconomic status, can benefit from  
21 early childhood education. According to the 2010 national



1 report entitled "Learning to Read", three-quarters of children  
2 from families with moderate or high incomes are not ready for  
3 school at kindergarten entry. More than ninety per cent of  
4 kindergarten classrooms in department of education schools  
5 reported that students did not meet benchmarks in all dimensions  
6 of school readiness, including literacy, math, and school  
7 behaviors. Unfortunately, studies show that students who  
8 struggle early in school rarely catch up and consequently have  
9 less than a one-in-three chance of being ready for college or a  
10 career at the end of high school.

11 The legislature further finds that early childhood  
12 education will benefit kindergarten through twelfth grade  
13 teachers in the State because when children enter their  
14 classrooms better prepared, teachers spend less time remediating  
15 individual students, thereby allowing them to focus their time  
16 and energy on helping all of their students master the knowledge  
17 and content necessary to academically progress on time.

18 While it has been reported by some studies of the federal  
19 Head Start program that the benefits of early learning disappear  
20 by the third grade, reliable studies have found that gains made  
21 in life skills do not diminish over time. Graduates of Head



1 Start, a federal program that promotes school readiness for  
2 children from low-income families, were less likely to repeat  
3 grades or be diagnosed with a learning disability and more  
4 likely to graduate from high school and attend college.

5 Guided by this robust research on early childhood  
6 education, the executive office on early learning has been  
7 developing a program that will provide access to high-quality  
8 early childhood education for all of Hawaii's children. Hawaii  
9 ranks twenty-seventh among the least affordable states for  
10 center-based programs for a four-year-old. In 2012, the average  
11 annual cost of a full-time center-based program for a four-year-  
12 old in Hawaii was \$8,172, which is more than nine per cent of  
13 the state median income for a married couple. Consequently,  
14 although low-income families require the most assistance, many  
15 moderate-income families, especially those who are just entering  
16 the middle class, also struggle to meet the cost of early  
17 learning on their own. According to United States Census Bureau  
18 estimates, there are more than seventeen thousand four-year-olds  
19 in Hawaii in any given year, many of whom will require  
20 assistance to access high-quality early childhood education and  
21 the benefits it provides.



1 Through the prekindergarten program developed by the  
2 executive office on early learning, the State will be able to:

3 (1) Build capacity to serve children in the year prior to  
4 kindergarten eligibility; and

5 (2) Institute a high level of quality instruction, linked  
6 to children's educational outcomes, which research  
7 emphasizes is necessary to produce significant  
8 positive outcomes for children both in the near- and  
9 long-terms.

10 Act 122, Session Laws of Hawaii 2014, the Supplemental  
11 Appropriations Act, included \$3,000,000 for prekindergarten  
12 programs in fiscal year 2015, marking a significant investment  
13 of state funds in prekindergarten in Hawaii. These funds  
14 provided for the launch of the executive office on early  
15 learning prekindergarten program, which launched successfully in  
16 eighteen public elementary schools statewide in the 2014-2015  
17 school year, and benefitted more than four hundred four-year-old  
18 children. The program institutes high-quality early childhood  
19 education standards, with each classroom staffed by a department  
20 of education teacher and educational assistant who benefit from  
21 continual professional development opportunities, including



1 coaching and mentoring support provided by resource teachers  
2 with master's degrees and extensive knowledge in early childhood  
3 education. This Act provides statutory authority for the  
4 executive office on early learning's prekindergarten program.

5       There have also been several experimental public  
6 prekindergarten programs funded through Hawaii's Race to the Top  
7 grant. Other existing school-based programs consist of special  
8 education programs staffed by department of education special  
9 education teachers and those participating in the pre-plus  
10 program, which is a public-private partnership through which  
11 seventeen preschool facilities have been developed and built on  
12 public elementary school campuses with private, department of  
13 human services-licensed preschool providers contracted to  
14 operate them.

15       The executive office on early learning prekindergarten  
16 program requires the use of high-quality standards that are  
17 linked to children's educational outcomes. Research has shown  
18 that there are certain components that are associated with an  
19 early childhood education program's ability to produce positive  
20 education outcomes. Although the early childhood field lacks  
21 consensus on a single approach for categorizing factors that



1 define program quality, there are two broad dimensions commonly  
2 associated with promoting higher rates of learning and  
3 development in children—structural aspects, such as physical  
4 environment, child-caregiver ratios, group size, caregiver  
5 qualifications, caregiver compensation, and the quality of  
6 curriculum and intentional teaching. Recent research has shown  
7 that curriculum and intentional teaching have a more significant  
8 impact on children's outcomes, and is the basis for the high-  
9 quality standards that are required by the executive office on  
10 early learning's program. The standards include teacher-child  
11 interactions, individual child formative assessments, and family  
12 engagement.

13       There is substantial evidence that children who attend  
14 early childhood education programs are significantly affected by  
15 their interactions with teachers. Recent studies, such as  
16 "Features of Pre-Kindergarten Programs, Classrooms, and  
17 Teachers: Do They Predict Observed Classroom Quality and Child-  
18 Teacher Interactions?", authored by Robert Piana, Crollee Howes,  
19 Margaret Burchinal, Donna Bryant, Richard Clifford, Diane Early,  
20 and Oscar Barbarin, have found that of the five quality  
21 indicators most often used in program evaluation systems,



1 teacher-child interactions were the strongest predictor of  
2 children's learning.

3 Another key indicator linked to children's outcomes is the  
4 use of a curriculum that is based on child development. The  
5 degree to which it is fully implemented is dependent on the use  
6 of an ongoing, authentic child assessment that is used to  
7 individualize and is both intellectually rich and broad enough  
8 to meet children's social and emotional development needs.  
9 These are known as formative assessments.

10 Research has also demonstrated that high-quality programs  
11 involve families who communicate on an ongoing basis. Through  
12 various family engagement strategies, high-quality programs can  
13 better engage families in their children's learning, especially  
14 in acquiring the skills associated with kindergarten readiness.  
15 The prekindergarten program developed by the executive office on  
16 early learning incorporates all of these best practices.

17 Furthermore, a state-funded early childhood education  
18 program continues decades of work by the legislature to advance  
19 early learning in the State.

20 In 1989, state funding was approved for the preschool open  
21 doors program to help families pay for child care at



1 participating preschools using a sliding fee scale based on  
2 ability to pay. Components included child development workshops  
3 and staff development for the preschools.

4 In 1991, the University of Hawaii board of regents created  
5 the University of Hawaii Center on the Family in response to  
6 S.C.R. No. 82 (1989), to enhance the well-being of Hawaii's  
7 families through interdisciplinary research, education, and  
8 community outreach. Early childhood education was one of the  
9 focal areas.

10 In 1997, the legislature passed Act 77, Session Laws of  
11 Hawaii 1997, which:

12 (1) Recognized a public-private partnership between the  
13 State and Good Beginnings Alliance, a private  
14 nonprofit corporation created as a focal point for  
15 policy development and dedicated to enhancing,  
16 developing, and coordinating quality early childhood  
17 education and care services;

18 (2) Tasked the Good Beginnings Alliance with overseeing at  
19 least four community councils in each county to  
20 develop plans to provide services to children and  
21 families and possible local funding sources; and



1           (3)   Established an interdepartmental council to assist  
2                   with the work.

3           In 1998, the legislature adopted H.C.R. No. 38 (1998),  
4   which established in state policy the goal that "all of Hawaii's  
5   children will be safe, healthy and ready to succeed".

6           In 2002, the legislature passed Act 177, Session Laws of  
7   Hawaii 2002, which appropriated capital improvement funds to  
8   build preschools on elementary school campuses throughout the  
9   State. The lieutenant governor's office assumed planning  
10   oversight for the pre-plus program until oversight was  
11   transferred to the department of human services and subsequently  
12   to the executive office on early learning.

13          In Act 13, Session Laws of Hawaii 2002, the legislature led  
14   the nation by statutorily defining "school readiness", which  
15   acknowledged the joint responsibility of families, schools, and  
16   communities in preparing children for lifelong learning.

17          In 2004, the legislature passed Act 219, Session Laws of  
18   Hawaii 2004, which established an unfunded, two-tiered junior  
19   kindergarten and kindergarten program in the department of  
20   education beginning with the 2006-2007 school year.



1        In 2005, the legislature passed Act 151, Session Laws of  
2        Hawaii 2005, which created the early childhood education task  
3        force with the understanding that young children are ready to  
4        have successful learning experiences when there is a positive  
5        interaction among the child's developmental characteristics,  
6        school practices, and family and community support.

7        In 2006, the legislature passed Act 259, Session Laws of  
8        Hawaii 2006, which established the early learning educational  
9        task force to develop a five-year plan for a comprehensive and  
10       sustainable early learning system. The plan, completed prior to  
11       the regular session of 2008, included detailed costs for the  
12       establishment and operation of an early learning system in  
13       Hawaii that would include children from birth to age five. It  
14       also included, as requested by the legislature, an  
15       implementation and financing schedule that begins with services  
16       to four-year-old children and proceeds to younger age groups;  
17       mechanisms to ensure cross-sector and interdepartmental  
18       collaboration; measures to ensure the continuing professional  
19       development of teachers and administrators; and provisions for  
20       the promotion of the importance of early learning to families,  
21       policymakers, and the general public.



1 In 2008, the legislature passed Act 14, Special Session  
2 Laws of Hawaii 2008, which established the State's early  
3 learning system, known as keiki first steps. The legislature  
4 recognized that a preschool setting might be a more appropriate  
5 placement than junior kindergarten. Act 14:

6 (1) Established the early learning council, which was  
7 attached to the department of education for  
8 administrative purposes only, to develop and  
9 administer the early learning system to benefit all  
10 children throughout the State, from birth until the  
11 time they enter kindergarten;

12 (2) Established the keiki first steps grant program;

13 (3) Established the pre-plus program within the department  
14 of human services and designated the department of  
15 human services and department of education to work  
16 collaboratively to develop suitable pre-plus  
17 classrooms on department of education campuses  
18 statewide, including conversion charter school  
19 campuses; and

20 (4) Promoted the development of early learning facilities.



1 In 2009, the legislature passed Act 194, Session Laws of  
2 Hawaii 2009, which:

3 (1) Required the department of education, beginning with  
4 the 2010-2011 school year, to use successful  
5 assessment tools and protocols for determining a  
6 student's initial placement and for decision-making  
7 about a student's movement between junior

8 kindergarten, kindergarten, and into grade one; and

9 (2) Required the early learning council to develop a plan  
10 to ensure the needs of junior kindergarteners are  
11 addressed.

12 In 2010, the legislature passed Act 183, Session Laws of  
13 Hawaii 2010, which:

14 (1) Amended the public school kindergarten entry age  
15 beginning with the 2013-2014 school year, so that  
16 children must be at least five years old on the first  
17 day of instruction; and

18 (2) Required the department of education and early  
19 learning council to develop a plan to assess the  
20 success of junior kindergarten programs at individual  
21 schools that would also address providing educational



1 opportunities for those who would have been eligible  
2 to attend kindergarten prior to the age change.

3 In 2012, the legislature passed Act 178, Session Laws of  
4 Hawaii 2012, which:

- 5 (1) Established the executive office on early learning;
- 6 (2) Charged the office with creating a comprehensive early  
7 childhood development and learning system for Hawaii's  
8 keiki, prenatal to age five;
- 9 (3) Established the early learning advisory board to  
10 replace the early learning council as an advisory body  
11 to the office;
- 12 (4) Repealed the existing junior kindergarten program for  
13 four- and early five-year-olds at the end of the 2013-  
14 2014 school year;
- 15 (5) Required that beginning with the 2014-2015 school  
16 year, students must be at least five years old on July  
17 31 of that school year to attend kindergarten; and
- 18 (6) Tasked the office with developing a plan to implement  
19 an early learning program and report back to the  
20 legislature prior to the regular session of 2013.



1           In 2013, the legislature passed S.B. No. 1084, S.D. 1, H.D.  
2   1, C.D. 1, which proposed an amendment to the Hawaii State  
3   Constitution to permit the appropriation of public funds for  
4   private early childhood education programs and which passed with  
5   more than a two-thirds majority in each house. The purpose of  
6   the constitutional amendment was to include private early  
7   childhood education providers in a mixed-delivery system of  
8   public and private providers to provide access to early  
9   childhood education opportunities for more four-year-old  
10   children. Ratification of the amendment failed on November 4,  
11   2014.

12           In 2014, the legislature passed Act 122, Session Laws of  
13   Hawaii 2014, which included \$3,000,000 in the state budget for  
14   prekindergarten programs in fiscal year 2015. These funds  
15   provided for public preschools on department of education  
16   elementary school campuses in the 2014-2015 school year through  
17   the executive office on early learning prekindergarten program.

18           The purpose of this Act, therefore, is to continue the  
19   legislature's work and fulfill the State's intent to provide a  
20   much-needed early childhood education program for Hawaii's  
21   children prior to the State's constitutional responsibility for



1 education from kindergarten through grade twelve, by  
2 establishing the executive office on early learning public  
3 prekindergarten program, which shall be provided through  
4 department of education public schools and public charter  
5 schools, and shall implement the use of high-quality standards  
6 that are strongly linked to children's educational outcomes.

7 SECTION 2: Chapter 302L, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§302L- Executive office on early learning public  
11 prekindergarten program; public preschools. (a) There is  
12 established within the early learning system an early childhood  
13 education program to be known as the executive office on early  
14 learning public prekindergarten program and to be administered  
15 by the office pursuant to rules adopted by the office. The  
16 program shall:

17 (1) Be provided through the executive office on early  
18 learning, which may partner with the department of  
19 education;



1       (2) Prepare children for school and active participation  
2       in society through the use of either of the State's  
3       two official languages; and

4       (3) Provide access to high-quality early childhood  
5       education that addresses children's physical,  
6       cognitive, linguistic, social, and emotional  
7       development.

8       (b) The program shall serve children in the year prior to  
9       the year of kindergarten eligibility, with priority extended to  
10      underserved or at-risk children, as defined in section 302L-1.

11      The department of education may grant geographic exceptions for  
12      children to attend pre-kindergarten outside their assigned  
13      service area, as the department of education deems appropriate;  
14      provided that the department of education shall grant a request  
15      for geographic exception to attend a pre-kindergarten in another  
16      service area if the request is based on the employment location  
17      of the parent or guardian of the student.

18      (c) Enrollment in the program shall be voluntary. A child  
19      who is enrolled in, or is eligible to attend, a public  
20      elementary school, or who is required to attend school pursuant



1 to section 302A-1132, shall not be eligible for enrollment in  
2 the program.

3 (d) The program shall incorporate high-quality standards  
4 pursuant to rules adopted by the office. High-quality standards  
5 shall be research-based, developmentally-appropriate practices  
6 associated with better educational outcomes for children, such  
7 as:

8 (1) Positive teacher-child interactions;

9 (2) Use of individual child assessments that are used for  
10 ongoing instructional planning, based upon all areas  
11 of childhood development and learning, including  
12 cognitive, linguistic, social, and emotional  
13 approaches to learning and health and physical  
14 development;

15 (3) Family engagement; and

16 (4) Alignment with the Hawaii early learning and  
17 development standards, which align with department of  
18 education standards, state content and performance  
19 standards, and general learner outcomes for grades  
20 kindergarten to twelve, to facilitate a seamless and  
21 high-quality educational experience for children.



1 The office shall monitor implementation of the high-quality  
2 educational experience for children.

3 (e) The office shall provide support to incorporate these  
4 high-quality standards, including support related to teacher-  
5 child interactions, individual child assessments, and family  
6 engagement.

7 (f) The office shall coordinate with other agencies and  
8 programs to facilitate comprehensive services for early  
9 childhood education.

10 (g) The office shall collect data to:

11 (1) Evaluate the services provided;

12 (2) Inform policy; and

13 (3) Make any improvements to the program.

14 (h) The department of education and any public charter  
15 school existing pursuant to chapter 302D, may use available  
16 classrooms for public preschool programs statewide. The office  
17 shall give priority to public charter schools that serve high  
18 populations of underserved or at-risk children. Preschool  
19 classrooms established pursuant to this section shall be in  
20 addition to any classrooms used for the pre-plus program  
21 established pursuant to section 302L-1.7.



1        (i) The office shall adopt rules pursuant to chapter 91  
2        necessary to carry out the purposes of this section, including  
3        compliance with all applicable state and federal laws."

4        SECTION 3. Section 302L-1, Hawaii Revised Statutes, is  
5        amended by adding three new definitions to be appropriately  
6        inserted and to read as follows:

7        "Early childhood education" means a developmentally  
8        appropriate early childhood development and education program  
9        for children from birth until the time they enter kindergarten.

10       "Family engagement" means practices that engage families in  
11       recognition of the need for families to actively support their  
12       child's learning and development, including classrooms that make  
13       families feel welcome, communication with families on an ongoing  
14       basis, the promotion of responsible parenting, and involvement  
15       in decisions that affect families and their children.

16       "Underserved children" means children who have no access  
17       to, or are not qualified to attend, other early childhood  
18       education programs and whose family income is no more than two  
19       hundred fifty per cent of the federal poverty level."

20       SECTION 4. The executive office on early learning shall  
21       submit a report to the legislature no later than twenty days



1 prior to the convening of the regular sessions of 2016, 2017,  
2 and 2018, on the executive office on early learning public  
3 prekindergarten program, including information on the following:

- 4 (1) The number of classrooms established and their  
5 locations;
- 6 (2) The number of children enrolled at each school and  
7 aggregate data explaining how the program is  
8 prioritizing underserved or at-risk children;
- 9 (3) The number of applicants who were placed on a waitlist  
10 for the program and at which schools;
- 11 (4) A description of the basic elements of each classroom;
- 12 (5) A description of the high-quality standards  
13 incorporated in each classroom;
- 14 (6) The degree to which the program's standards, as  
15 incorporated in each classroom, are meeting the  
16 research-based National Institute for Early Education  
17 Research Quality Standards Benchmarks;
- 18 (7) The cost of each classroom; and
- 19 (8) Plans and costs for program expansion in fiscal years  
20 2017, 2018, and 2019.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect on July 1, 2015.

APPROVED this 12 day of JUN, 2015

*David Y. Ige*

GOVERNOR OF THE STATE OF HAWAII

